

**DRAFT REPORT OUTLINE – NOVEMBER 2, 2010****I. Introduction/Executive Summary (i.e., recap the information on this page)**

The introduction will include an overview of the project, a narrative of our methodology, and an executive summary of the report contents.

**II. Staffing considerations**

- A. Original staffing estimate (HB22 Gilman)
- B. Progress under original assumptions (i.e., the bureau was ahead of schedule with regard to statutory claims examination benchmarks; where was the court at with regard to decrees?)
- C. HB39 and its impacts (backlog & ongoing ownership updates)
- D. HB 782 and its impacts (requirement for the resolution of issue remarks)
- E. Preliminary Water Court staffing needs (from the Judge); define the unknowns that will affect staffing needs (e.g., motions, federal involvement, specific basin factors) & current decree status.
- F. LAD report and recommendations (staffing required to implement the recommendations in the report).
- G. Other factors affecting staffing (e.g. the “unknowns” related to the Water Court).

**III. Staffing estimates**

(we will do a spreadsheet for each scenario - we'll start with Gilman's original spreadsheet and then add columns for staffing estimates associated with issues C – G above).

- A. Scenario A – the formulaic output of  $A+C+D+E+F+G = \text{___ FTE}$
- B. Scenario B – taking the unknowns into consideration, worst case scenario (e.g., if decrees are issued without a work plan; if there are considerable objections in a basin; if the federal government does not agree with determinations; etc.).
- C. Scenario C – if the DNRC and Water Court jointly develop and commit to a work plan to mitigate the “unknowns” to the extent possible, we estimate it will take about \_\_\_ FTE.

**IV. Conclusions and recommendations**

- A. If the DNRC and Water Court develop a work plan and joint response strategies for the unknowns, it will take fewer staff and resources. If they do not, it will take more.
- B. We recommend they develop a work plan including getting estimates to mitigate the impact of the “unknowns” (i.e., involvement of the Supreme Court and/or anticipated length of time to hear a case, anticipated objections in a given basin, how much time is associated with adjudicating an individual dispute, how much time is associated with issuing a basin decree).

#### **IV. Conclusions and recommendations (continued)**

- C. The agencies (DNRC and Water Court) should budget for sufficient staff to accommodate anticipated workload and the “unknowns” (to the extent that the agency can determine these needs through the development of a joint work plan and joint response strategies).

#### **V. Transition Plan**

Outline alternatives and considerations for transitioning from current staffing levels to anticipated staffing levels:

- A. Use of remaining FTE in the Water Rights Adjudication Bureau, Regional Offices, and Water Court.
  - a. Job Descriptions
  - b. Performance Standards
- B. Implementing a Reduction in Force
  - a. Employee notice
  - b. Skill assessment
  - c. Attrition Plan
  - d. Outplacement incentives
  - e. State Employee Protection Act

#### **VI. Formal request to the Water Court asking for input**

- A. Recap what was stated at the committee meeting as far as staffing needs. Potential staff increases are one staff lawyer; 2 Water Masters; and one permanent Law Clerk from allocated DNRC FTE funding.
- B. Ask for any assumptions related to this staffing estimate, and any issues that may affect the estimate upwards or downwards.
- C. Ask for time estimates of key Water Court functions – lay out the time estimates for the DNRC functions (For example, the DNRC estimate it takes xx.xx hours/fte to do a, b, & c. How long does it take the Water Court to:
  - hear a case?
  - write a decision?
  - How much time is associated with adjudicating an individual dispute, how much time is associated with issuing a basin decree?
  - What “assumptions” will need to be fulfilled to meet the 2025 deadline?
  - If a compact is reached with Salish/Kootenai, what is the timeframe for a examination?

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